

SENATE RECORD VOTE ANALYSIS

106th Congress
2nd Session

Vote No. 244

September 13, 2000, 6:26 p.m.
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CHINA TRADE/Code of Conduct for American Businesses in China

SUBJECT: United States-China Relations Act of 2000 . . . H.R. 4444. Helms amendment No. 4123.

ACTION: AMENDMENT REJECTED, 23-73

SYNOPSIS: As introduced, H.R. 4444, the United States-China Relations Act of 2000, will allow the President to grant the People's Republic of China permanent normal trade relations (PNTR) status with the United States. (Normal trade relations status, which was formerly called most favored nation status, provides lower United States tariffs against foreign goods. China currently has normal trade relations status on a temporary basis.)

The Helms amendment would make numerous findings about various pro-Communist China statements and actions by several United States businesses and media outlets and would express the sense of the Senate that in order for the presence of United States businesses to truly foster political liberalization in China, those businesses must conduct themselves in a manner that reflects basic American values of democracy, individual liberty, and justice. The amendment also would require the Secretary of Commerce, within 90 days of passage of this Act, to consult with American businesses that have business in, significant trade with, or investments in the People's Republic of China (PRC) in order to encourage the businesses to adopt a voluntary code of conduct that follows internationally recognized human rights principles, ensures nondiscriminatory employment of Chinese citizens, ensures the prevention of known prison labor, supports a free market, recognizes workers' rights to organize, and discourages mandatory political indoctrination.

Those favoring the amendment contended:

We have presented this amendment in order to further the opportunities for businesses to provide the societal changes in China that Senators who fully support PNTR claim will come about as a result of this bill. Every member of this body hopes that normalizing trade with the PRC will result in a democratized China, but we have our doubts. Frequently during this debate, proponents of PNTR have advanced the idea that only by exposing the Chinese government and the Chinese people to our values

(See other side)

YEAS (23)		NAYS (73)				NOT VOTING (4)	
Republicans (13 or 25%)	Democrats (10 or 23%)	Republicans (40 or 75%)		Democrats (33 or 77%)		Republicans (1)	Democrats (3)
Ashcroft	Byrd	Abraham	Hagel	Baucus	Johnson	Gorton ⁻²	Akaka ⁻²
Campbell	Edwards	Allard	Hutchinson	Bayh	Kerrey		Kennedy ⁻²
Collins	Feingold	Bennett	Hutchison	Biden	Kerry		Lieberman ⁻²
Hatch	Hollings	Bond	Kyl	Bingaman	Landrieu		
Helms	Kohl	Brownback	Lott	Boxer	Leahy		
Inhofe	Lautenberg	Bunning	Lugar	Breaux	Levin		
Jeffords	Mikulski	Burns	Mack	Bryan	Lincoln		
Sessions	Sarbanes	Chafee	McCain	Cleland	Miller		
Shelby	Torricelli	Cochran	McConnell	Conrad	Moynihan		
Smith, Bob	Wellstone	Craig	Murkowski	Daschle	Murray		
Snowe		Crapo	Nickles	Dodd	Reed		
Thompson		DeWine	Roberts	Dorgan	Reid		
Thurmond		Domenici	Roth	Durbin	Robb		
		Enzi	Santorum	Feinstein	Rockefeller		
		Fitzgerald	Smith, Gordon	Graham	Schumer		
		Frist	Specter	Harkin	Wyden		
		Gramm	Stevens	Inouye			
		Grams	Thomas				
		Grassley	Voinovich				
		Gregg	Warner				

EXPLANATION OF ABSENCE:
1—Official Business
2—Necessarily Absent
3—Illness
4—Other

SYMBOLS:
AY—Announced Yea
AN—Announced Nay
PY—Paired Yea
PN—Paired Nay

through expanded trade and investment can we hope to bring about political change in China. Lest our colleagues forget, American businesses are not in the business of expanding democracy; they are in the business of making money. We have no problem with that goal of business, but we do not believe that the promulgation of democracy is even near the top of the list of desires of those businesses that do business with China. In fact, there have been multiple American businesses and media outlets who have done everything they can to pander to China's communist government. For example, Ted Turner, the founder of Cable News Network (CNN), proudly told the Fortune Global Forum, a gathering of hundreds of corporate leaders in Shanghai to celebrate 50 years of communism in China, that he is "a socialist at heart." Also, the Massachusetts-based Internet firm, Prodigy, completed an investment contract with the PRC by agreeing to comply with China's Internet rules which call for the censorship of any political information deemed unacceptable to the communist government. How, exactly, will an American company that deals mainly in communication help to lead China to democracy when that company is willing to censor democratic speech? There are many more examples of this type of appeasement to the communist Chinese in order to do business in the PRC, but our colleagues believe these same businesses will promote democracy without some sort of encouragement.

This country's businesses are not likely to go out of their way to promote democracy in China. So far it seems that the opposite is true. The actions and statements of the various American businessmen who are attempting to curry favor with the PRC are actually undermining efforts to promote democracy by legitimizing a communist government which distinctly does not believe in the free enterprise system. If American businesses truly are going to help bring about reforms in the PRC, then they ought to conduct themselves in a manner which reflects American values of individual liberty, free expression, and free enterprise. This amendment is one which encourages the adoption of a completely voluntary code of conduct by American businesses in China. No businesses would be required to adopt such a code, but we feel the Senate ought to go on record telling businesses that we believe they should conduct themselves in a way that promotes democratic views and explicitly supports human rights. We urge our colleagues to support this amendment.

Those opposing the amendment contended:

As we have debated this legislation, we repeatedly have indicated that a major portion of our support is due to the fact that increasing trade with China will foster the growth of democracy. Each American business that operates in China will foster that growth by its very presence. Though we support democracy in China, we must oppose this amendment for three reasons. First, this amendment would force the Secretary of Commerce to impose codes of conduct on American businesses in China, codes which our colleagues claim would be voluntary. If, in fact, these codes of conduct were truly voluntary, there would be no need to require the Secretary of Commerce to pressure businesses into adopting them. Second, American businesses already operate under several codes of conduct, most importantly the law of the United States which already prohibits discrimination and addresses other issues confronted by this proposed voluntary system for a code of conduct. American companies are also bound by local law in order to operate when selling abroad. In addition, American businesses have their own internal codes of conduct, which, when followed, minimize legal and financial risk for each business, and, as a consequence, these businesses take their environmental and employment standards with them when they operate overseas. These standards of higher wages, greater benefits, and improved working conditions provide opportunities in China that sow the seeds of political pluralism at the same time. Third, adding this amendment would risk killing PNTR. If we make any change at all to the House-passed version of this bill we will have to go to conference with the House to resolve the difference. The House will then have to vote on the conference report. It is unlikely that the House will be able to pass any version of PNTR, which is politically very controversial, this close to an election. Further, even if the House passed the conference report, it is not at all clear that the Senate would follow suit. Senators could mount a filibuster against the conference report. We do not have enough time left this session to overcome such a filibuster. Thus, a vote for this amendment or any amendment is just a vote to kill PNTR. We urge our colleagues to defeat this amendment.